



MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019/2020

BBL2014 – BUSINESS LAW

(All Sections / Groups)

14 OCTOBER 2019
9:00 a.m. – 11:00 a.m.
(2 hours)

INSTRUCTIONS TO STUDENT:

1. This Question paper consists of **2** pages excluding the cover page.
 2. Answer **ALL FOUR (4)** questions. All questions carry equal marks and the distribution of the marks for each question is given.
 3. Please write all your answers in the Answer Booklet provided. All answers should be supported with relevant statutory provisions and case law.

QUESTION 1

- a) The Malaysian Companies Act 2016 broadly defines a company as 'a company incorporated under the Act or any corresponding previous written law'. The Act, however, divides company into two general classifications. Explain the differences between a public company and a private company, supported by the provisions provided by the Act.
- (20 marks)
- b) The management of a company is controlled by the board of directors and the directors. Explain the general qualifications laid down by the Companies Act 2016 for an appointment of a director in a company.
- (5 marks)

[Total: 25 marks]

QUESTION 2

Ironman, who runs a transportation service was appointed as an agent by Batman Enterprise to transport consignments of 1.8 metric ton of bananas from Perlis to Kuala Lumpur. The parties signed an agreement for that purpose. In addition to that, the agreement specifically instructed Ironman as the agent to communicate with the principal in any event of adversity faced by him in transporting the products. When the lorry stopped at R&R Perak, Ironman noticed that some of the bananas had started to stale. He immediately separated them, worried that such conditions will affect the good ones. He then sold the stale bananas to the R&R shops at a cheaper price. However, he failed to inform Batman Enterprise. When he arrived, Batman Enterprise was furious with his decision and wanted to sue for damages. As a legal representative of Batman Enterprise, advise them on the following matters:

- a) Whether Batman Enterprise can claim for damages?
- (15 marks)
- b) Explain any **FIVE (5)** duties of an agent breached by Ironman in the event stated above, with reference to the provisions in the Contracts Act 1950.
- (10 marks)

[Total: 25 marks]

QUESTION 3

- a) Mr. Spiderman agreed to throw a party for his daughter's birthday. He went to Speedy Supermarket to buy groceries for such purpose. After filing the trolley with assorted goods, he immediately proceeded to the payment counter. There was a long queue. Feeling restless and in a hurry, he decided to walk out and left the trolley behind. The sale supervisor, Mr. Antman, saw the incident and stopped him from exiting the premise. Mr. Antman asked him to pay for the groceries before leaving while Mr. Spiderman refused to do so. Advise Mr. Spiderman on his rights and liability.

(15 marks)

Continued...

- b) The Contracts Act 1950 explains four circumstances for a valid acceptance. Explain the circumstances with the relevant provision of the Act. (5 marks)
- c) A contract may include an exclusion clause as part of its terms. Explain the purpose of an exclusion clause and support your answer with case law. (5 marks)

[Total: 25 marks]

QUESTION 4

All partnership businesses must be registered with the Companies Commission of Malaysia (CCM) in compliance with the law in Malaysia. Such regulation is applicable for both general partnership or limited liability partnership. Explain the differences of these two types of partnership within the purview of relevant statutes.

[Total: 25 marks]

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